



California Fair Political Practices Commission

June 17, 1986

Ross Smeltzer
1348 Sunrise
Modesto, CA 95350

Re: Your Request for Informal
Assistance; Our File
No. I-86-190

Dear Mr. Smeltzer:

Thank you for your request for clarification of the conflict of interest provisions of the Political Reform Act.^{1/} Your question is whether a city councilmember must disqualify himself on decisions affecting sources of campaign contributions.

A city councilmember, while sitting as a member of the council, or of one of its subcommittees, is not required to disqualify himself on decisions affecting sources of campaign contributions. (See Sections 87100, 87103(c) and 82030(b)(1) and Woodland Hills Residents Assn. v. City Council of Los Angeles (1980) 26 Cal.3d 938.) To the extent that a city councilmember sits on other boards and commissions, he may be required to disqualify himself on certain decisions affecting sources of campaign contributions. (See Section 84308 and "A Guide to Government Code Section 84308 of the Political Reform Act of 1974.")

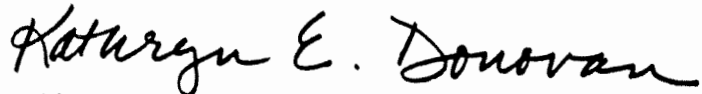
^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Ross Smeltzer
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Some cities and counties have enacted local ordinances which require disqualification as to sources of campaign contributions in instances where it would not be required by the Act. Examples of these local ordinances are discussed in the newspaper article that you sent me.

If I can be of any additional help to you please feel free to contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
Counsel
Legal Division

KED:JSM:sm
Enclosures

rec'd 6-9-86
FPPL
I-86-190

State of California
Janice D. McCling
428 J. St. Ste 700
Sacramento, CA

Here are the news articles
I asked about Friday. The mayor seems
to say campaign contributions are
conflicting, but what is hard to
take is the mass array or
numbers she's attacking.

1. Chamber of Commerce
 2. Board of Realtors
 3. Many individuals
 4. Building Association
- and it goes on.

Is she correct?

Ross Smeltzer
(209) 529-9454

1348 Sunrise
Modesto, CA 95350

Large campaign contributions are tainting local politics



Bart Ah You/The Bee

discusses council campaign contributions.

Fire Fighters Association a large builder

builders and other industries: \$5,037. Associates and Council Action Committee

Archick and George al estate interests:

owners who stand 000.

Realtors Political ittee: \$600.

Chamber of Commerce action committee includes a \$341 from the builder's

contribution from s included a contri-

bution of \$3,500 from developer Jim Thayer, who gave it just a few days before the election.

Mensinger said that the \$3,441 from the Builders, Associates & Contractors Political Action Committee, one of the larger sources, was based on the three councilmen performing as the builders told them to.

In the October issue of Central California Builder magazine, the president of the Building Industry Association said that the BIA directors voted to support McGrath, Patterson and Lang based on their positions on issues including:

- Supporting an immediate sewer trunk extension vote, later increased to six extensions.
- Agree that city infrastructure such as traffic lights would con-

tinue to be a public expense.

- School buildings must continue to be a public expense.
- Oppose a computer system that would calculate the public costs of new development (such as police and fire) and would impose fees on new homes.

Mensinger said the magazine article highlighted the developers' recent resistance to paying added fees for traffic signals or giving money for new schools needed for new developments.

"This ability to make the public pay for growth problems is not surprising if you see what they expect of candidates they support financially," she said.

Last week, Lang led the council in opposing a traffic signal policy that would have required developers to pay a share of new traffic signals.

Under the policy developed by the city's Planning Commission, commercial and office developers would have paid 50 percent of the signal cost; home builders would have paid 30 percent and the city would have paid 20 percent.

The policy was rejected. Angry planning commissioners said the council bowed to pressure from developers who contributed to their election campaigns.

Planning Commissioner Gil Sturgis has since turned in his resignation to City Hall.

This week, the council took a preliminary stand by putting two sewer trunk extensions on the ballot in November. That is the first step toward allowing development of 1,020 acres northeast of the city limits.

The Building Industry Association

had asked for six sewer line extensions, which would have opened up 3,284 acres for development.

The vote was unanimous, but McGrath qualified his vote.

"Although the Public Project Committee has chosen to only recommend two extensions at this time, it was my own personal opinion that we should have looked at something greater than that," McGrath said. He said it was his option that night to vote for two extensions.

Mensinger said campaign contributions fueled the drive for sewer trunk extensions.

To stop what she called "the insidious, corrupting effect of campaign money," Mensinger proposed a "TIN CUP" ordinance, similar to one established in Orange County.

TIN CUP stands for Time Now — Clean Up Politics.

The Orange County ordinance requires candidates who receive contributions of \$250 or more from one donor to disqualify themselves from voting on issues that donor brings before the elected body.

The local registrar of voters in Orange County keeps an up-to-date list of campaign contributors for the county Board of Supervisors. Supervisors are provided the list periodically and are to rely on the list so they may obey the ordinance.

Mensinger said she planned to draft a proposal for Modest soon.

She said she hoped it would be in place by early next year, "long before anyone files so everyone would know all the rules."

Mensinger wants to tighten conflict-of-interest ordinance

ning commissioner resigns.
B-1.

OWN GARCIA
staff writer

esto City Council members
tighter conflict-of-interest
nce because campaign
has begun to taint local
s, said Mayor Peggy Men-

made the charge when the
il voted Tuesday to put
on the November ballot.
appear in the form of an
y vote to extend two sew-
rk lines, adding another
acres for development
ast of the city.

singer said money from
s and those with related
ts in the November 1985
n has pressured City
ilmen Richard Patterson,
McGrath and Dick Lang
ndly supporting issues im-

1985 Modesto City Council campaign contributions



Mayor Peggy Mensinger

In a presentation this week, Mensinger leveled conflict of interest charges at councilmen Lang, McGrath and Patterson. She said that each had been influenced by



**Councilman
Patrick McGrath**

\$23,893

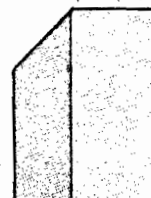


36%



**Councilman
Richard Patterson**

\$23,778



29%



**Councilman
Dick Lang**

\$17,910



9%